THE NATIONAL

Vol. XIV.

WASHINGTON, D. C., THURSDAY, MARCH 15, 1860.

No. 689.

WASHINGTON, D. C.

For the National Era. A PALACE IN GENOA. BY EDWARD SPENCER. XIV-Concluded. As the days spun by, Helen got to know Genoa very intimately, more so even than did her brother or Merivale; for, after she had used herself to sight and smell, and conquered the loathing, the stench and squalor, of poverty, she delighted to take little Pepe with her, put on the graceful mezzaro, in which she looked most lovely, and, sallying forth early in the morning. attend mass at some one of Genoa's innumerable churches - San Lorenzo, the Cathedral, with its pleasant blendings of Christian and its precious portrait of the Virgin, reputed to be by St. Luke, its rich statues and glittering hapels or Santa Maria di Carignano, reached by a bridge over a ravine of streets, with its colossal statues by David and Puget, and the fine view of the city from the cupola, from which also you catch the outline of the church itself, a miniature model of St. Peter's, at Rome-or the Annunziata, which we have already mentioned -or the chapel of San Gio. the real bones of that beheaded saint, though whether the skull is among them, I cannot say-or San Nazaro, who regularly has his festa in Genoa or San Stephano, with its fine altarpiece, by Rafael's pupil, Giulio Romano-or San Giorgio, with its famous martyrdom of that saint, by the Genoese artist, Luca Cambiasoor San Bartolommeo, with its pictures by that high-minded patrician of Genoa, the accomplished Gio. Battista Paggi, who preferred his art to rank and wealth, yet was banished to Florence for homicide-or San Agostino, with its enormous painting by Fiasella-or the cloisters of the various convents, such as that of the Capuccini, where is a fine painting by Gio. Stefano Robatto, of Savona, representing Saint Francis receiving the Stigmata-or, if she had risen early enough, and the day was fine, she would tempt Pepe to a longer excursion, to the chapel of San Giovanni, afar off by the lonely sea-shore, or the quaint little lodge on the Albaro road, where the laborers, going to their work, pause a moment to perform their devo-tions, now and then dropping a mite of alms into the box outside, put there to raise aid for the souls of poor folks in Purgatory, for all the world as we would do to supply their bodies with food and warmth-or to the little country church of San Martino, some distance beyond the walls - and even once, to the renowned shrine of the Madonna della Guardia, in the by some little going about alms-giving, by her acquaintance with and visits to Pepe's mother and sister, and by her constant walks about and talks concerning the city with Rupert and the artist, Miss Beale became quite a Genoese, knowing the city and the citizens intimately. It requires close and persistent observation to become acquainted with this Genoa. It is a city of surprises and contrasts. The streets are irregular, and, forced to conform to the nature of the site, are delightfully inconsequent in their termini and debouching points. You take a street that leads towards Monte Faccio, and it brings you out upon the sea-shore. You creep along this dark and dismal alley-so narrow and so dark as to resemble most a corridor in a coal-pit -shutting your eyes to its filth and wretchedness and squalor, and striving (but in vain) to close your nostrils to its stench and pestilential fœtor, when, presto! you emerge, wondering and dismayed, upon the most brilliant and glittering portion of the Strada Balbi. You double continually upon your own track in your wanderings, and, if guideless, in the first moments of your inexperience go astray as helplessly as if you were blindfold; not unpleasant, for there are none of us but delight to get lost sometimes; the orator on the waves of some Choatian sentence, the woodsman in grammarian in the obscurities of some hopelessly corrupted text, the sailor upon the broad bosom of mid-ocean, where no treacherous reefs way lay him, and the winds only prove the stance gallantry of his saucy ship, the metaphysician in the Daedalan vistas of neologism and tech-nicality which enwrap a new theory, and the

streets whose whole extent is an exquisite vista of terrace and vineyard and garden, sprinkled with statusary, and played upon by fountains.

All these things Helen came to know and love, and the people of the place also. Genoa

of sailing vessel and steamer, while, just at you

has not the best name with its neighbors.
Many hard sayings have been showered upon it.
Long time ago, Dante thundered out his anath-

traveller in by-ways and lanes of some city

where everything, sight and sound, costu

apon it:

"Ahi Gerovesi, nomini diversi
Donni costume, e pièn d'ogni magagnà.
Perche non siete voi del mondo spersi?"

L'Inferno, xxxiii, 151.

And Pisa avenged her defeat with a proverby which clings by Genoa to this day: "Mare senza pesci, monti senza ligno, nomini senza fede, donna senza vergogna."—"Sea without fish, mountains bare of forests, men without faith, and" (unkindest cut of all!) "women without virtue!" And Louis XI, a big rascal, but a shrewd observer and keen judge, said of them: "The Genoese have given themselves to me and I cit them to the late."

But Miss Beale would not hear the Genoes maligned. She found them possessed of faults, to be sure, but at the same time endowed with to be sure, but at the same virtues more than capable of offsetting all these constitutional or incidental deficiencies. grance and mellowness of new-mown hay. A people full of energy, yet continually wrapt in one delicious doze, dreaming, with a half-placid, half sorrowful, half yearning expression of countenance, and dreaming always of art-their bare and their comfort. She could debeneath the rags, and the flash of the whitest and most pearly of teeth out from the begrimed

in despite of all this ocean of suds in which their raiment was submerged. Extremely orderly and well-conducted, as a people; observant of law and police, and with all the old Berserk spirit of turbulence and filibusterism, which was characteristic of their republican days, completely purged out them. Very good-tempered, obliging, accommodative—joyous after their own fashion, which is by no means

after their own fashion, which is by no means a domonstrative one, nor in any particular like the French. They do not dance, nor grow wild over Marsellaises, Ça Iras, Faderlands, and the like, but move composedly about, observing shrewdly, and remarking often, with a wonderful liveliness and energy of expression. To the church, with its worship and its choir, or to the public walks, with their freshness and their ane music, are the favorite resorts of this people. Upon festa days, when it grows dark, they love to illuminate everywhere, and then, clustering like bees in the doorways, to watch the brilliance and fire fly flicker of the long ranges of lights. Superstitious, in a mild, childish way, and delighting to break the spells and disturb the toils of the Evil One by the frequent and clamorous ringing of their consecuted course bells: Withal, a people very capable of giving rise to melancholy suggestions in the mind of the contemplative observer; because, a people in a measure fallen from a once high estate, shorn of their former magnificence, deprived of their patrimony—

magnificence, deprived of their patrimony—like the heir of some great property, who yet inhabits the manorial mausion—but his acres have dwindled away to a mere shred of their former substance, what remains is hopelessly mortgaged, his palace is out of repair, his furniture is pawned and taken away, damp and dreary desolation has settled down upon hall and chamber, and the listless, idle, useless heir

dren are in rags, and himself out at elbows.

Before Helen had been in Genoa a great while, it became her especial delight to wander hither and thither, with Merivale and her brother, and sometimes with Pepe only, studying the life of the streets. Much that she saw was repulsive, but more at once attractive and suggestive. Squalor, filth, decay, she saw everywhere; but, also, she conceived herself able to where; but, also, she conceived herself able to detect a healthy vigor and energetic life underlying these, and counteracting their influences, as Itme will correct the missmatic impurities of a foul sewer. Poverty made itself glaringly manifest, but it only served to show forth in stronger lights the popular virtues of quiet contentedness and smiling endurance. And, if the back lanes of Genoa rivalled St. Giles in dirt, so the Strada Balbi rivalled the Boulevarde des Raliens in splendor. And the sweet mezaro Italiens in splendor. And the sweet mezaro was an adequate offset, Helen thought, to the most exquisite toilette that Parisian modiste could devise, or Parisian coquette display. She studied the city with a woman's apt eye for detail and minutiæ, and, coming to know the place well, came at the same time to love it well. Genoa presents many fine studies to the

well. Genoa presents many fine studies to the observer of costume. There were the soldiery—some in brilliant grenadier uniform, beslashed and befrogged like drum majors—some in light and airy Zouave garb, with a dainty twist of their moustaches, and the saucy kepi cocked knowingly upon one side of their heads; besides, there were the Bersaglieri, the Piedmonthills beyond, where the peasant women worship de Vincennes, admitted to be the finest corps of gend attached to the place. In this way, and by some little going about alms giving he had some fellows, all, with the some little going about alms giving he had some fellows, all, with gent attached to the place. In this way, and by some little going about alms giving he had given in giving look with condensate the chalk-mark from the wall, and then getter the condensate the chalk-mark from the wall, and then getter the condensate the chalk-mark from the wall, and then getter the condensate the chalk-mark from the wall, and then getter the condensate the chalk-mark from the wall, and then getter the condensate the chalk-mark from the wall, and then getter the condensate the chalk-mark from the wall and then getter the condensate the chalk-mark from the wall and then getter the condensate the chalk-mark from the wall and then getter the condensate the chalk-mark from the wall and the chalk-mark from the wall and the condensate the chalk-mark from the wall and the condensate the chalk-mark from the chalk-mark from the condensate the chalk-mark from the c every inquiring look with candor, and the free breath of the mountains showing itself in every feature; admirably uniformed, too, with their dark-green coats, their flowing trowsers, terminating in the neat half-leg gaiter, and their black slouch hats, over which proudly nodded nating in the neat half-leg guiter, and their black slouch hats, over which proudly nodded the black plumes. The priests also, their black knee-breeches and corpulent figures recalling one's notions of the "geatlemen of the old school;" an impression specury and ravery dissipated, as soon as one noticed their creeping gait, and looked into their repulsive, sensur gait, and looked into their repulsive, sensual, grovelling, coarse, debased countenances. The tokens also everywhere of the generous warmth of the climate—children half nude, men with their brown skins peeping through their rags, women constantly bareheaded—the fruits everywhere, fresh lemons and oranges offered to you at each corner for a song, or sprinking the terraced gardens with their rich and golden hues, the luxuriant vines, hung with purple wealth, and garlanded in green, the ripe olives, and lush pomegranates bursting and blushingly expectant of the lip's embrace. Every peasant man and boy, girdles up his trowsers

red sash—were they pirates or bandits, one in-stinctively thinks, 'tis there they would wear pistol and poignard, and from that sash would hang the blood-rusted cutlass. The sun, in the middle of the day, streams down terribly, and drives you to the shade, as if you were in a harvest field. At night, the mosquetoes bite sharply, and the fleas—well, 'tis said the king of the fleas has his throne in Casarea, but certainly Genoa is governed by one of his vice-regal deputies. By day, the flies trouble you, and nervous ladies might not like the innumera-ble creeping things which everywhere abound lean and musical-melancholy cats; night-wa-king frogs, with voices pitched to each semi-tone of the entire gamut; active, luxurious, harmless lizards, running hither and thither, and stretched at length in every sunny spot, enjoying a dolce far niente of their own; beetles of every form, and language, is as yet novel and incompre-hensible to him. To such a traveller, Genoa is indeed a prize. Streets above you, seeming to run along the tops of the houses into whose hue, and disposition, unanimous, however, in their rooted antipathy to and attacks upon their rooted antipathy to and attacks upon everything like candle or lamp light; scorpions more dreaded than dangerons, with spiders against Helen Beale? a thought which was ateverything like candle or lamp light; scorpions more dreaded than dangerous, with spiders everywhere, possessed of an industry most untrailed. When there happens a festa, the young men have a pretty fashion of going about in procession, decked out in wreaths of vine-leaves, and bouquets of luxurious flowers. Thus leaves, and bouquets of luxurious flowers. Thus leaves, and bouquets of luxurious flowers to house. doorways you are peeping; streets below you attainable only by stairways, while you can look over and down into the chimneys of seven-story houses, longing for the gift of Asmodeus the while; streets running into bridges flung across steep precipices and dark chasms; streets shut up suddenly by some out-jutting rock, upon which, far above, towers some lofty leaves, and bouquets of luxurious howers.

accountred, they go round from house to house, to be wary.

"Well, and the first question—will you seemed to be wary." presenting their bouquets, and soliciting contributions for the saint, with a winning riant grace of manner most difficult to resist. On hurch or palace; streets parapetted on one side to prevent you from stepping over into the such occasions, too, you may be sure the wine shops are in full blast. Miss Beale glanced curiously into the door of many a one, as she curiously into the door of many and the curiously into the curiously into the curiously into the curio curiously into the door of many a one, as she sauntered slowly by, struck with the life of the scene, the free and spirited gestures of each eet, the noble sea roars and churns itself; and scene, the free and spirited gestures of each animated group, and sighing, perhaps, for a momentary use of manly garment, in order to inform herself of how men talked and acted when thus unrestrained and by themselves. On such occasions, while the bells seem instinct with a very delirium tremens of incessant clattea and clamor, jerking themselves about with the fidgety bustle of a village gossip with news to tell; while the churches are all lighted up, the shrines open, and the pictures unveiled; while the church of the saint whose festival is kept is dressed up with a fair bridal wealth, festoons, and gaudy fringes, and gay-colored draperies, and fresh flowers whose fragrance contends with the odor of frankincense from the altar—on such occasions, Genoa no longer is repulsive in

> But we must pause here, and bring to a close this unwieldy chapter. Much more could we say of the sights which attracted our friends in their rambles through the city of palaces; but it would be doing injustice both to our readers, who are tired already of the subject, growing taste for art, fostered by these sights; of Merivale's art-lessons, of his numerous lectures upon and anecdotes concerning the artists of Genoa and of what has been denominated the "Ligurian school," this deponent further sayeth not.
>
> Certain it is that the quest after the picture,

most assiduously followed up by our friends seemed to reward them amply in every respect. Did Merivale succeed in finding this so precious picture? I cannot tell; but this I will say, that, long before the search discontinued, Miss Helen Beale had ceased to inquire what was countenance, for all the world like one of Mu- his success and what his prospects in the mat-

XV. At the Easel. "Wherefore so resistlessly fost draw me.
Into scenes so bright?
Had I not enough to soothe and charm me.
In the lonely night?"
Honely in my little room-seelu ded "—Goeth.

It is about eleven o'clock of the forence quent procedure on his part. Just now, however, he does not glance up towards certain oleander decked windows of the palace, as he also frequently does, although he is within seventy yards of the gateway. There is a person walking in advance of him, who has excited him. son walking in advance of him, who has excited his curiosity, and whom he watches as he follows. A highly-respectable person it is, to all outward semblance—fine in figure, free and firm in step, and dressed for all the world like a well-to-do Englishman upon his travels. Now he is passing in front of the palace, in front, and directly opposite Miss Helen's windows, when he pauses a moment, and with something in his hand makes a mark upon the wall of the house at his right. Scarce has he done so, and resumed his saunter, when Merivale sees the gate of the palace thrown open suddenly, his admirer, the negro George, bursts out across the street, pursuing the individual, and, coming up with him, begins a violent altercation, though not in loud tones. Merivale, hastening his steps, sees the person turn, finds his ening his steps, sees the person turn, finds his suspicions confirmed that it is the English spy whom he had sat near on that memorable night at La Scala, and comes alongside of George just in time to prevent a collision, for the Englishman, his face grown red with rage, had just lifted his hand to strike George, who, upon his own side, betraved a determination

"George, George, what is this?" cried the artist, catching him by the arm, and drawing him back; "you forget that you are not in New "If that is your servant, sir, said the Eng-

own side, betrayed a determ

lishman, in a polite way, but giving every evidence of fury, "you had better teach him to mend his manners, if you wish to save him from chastisement. "Huh-go dar yourself!" cried George

"You quit your prowlin' roun' hyar, an' markin' on people's houses, an' watchin' inter folkses winders, an' I'let you 'lone soon 'nough. Dat dar's de sevent time you'se chalked de wall dar, an' you know well enough I telled you not to do et any mo', case it skeert Miss Helen. People says yer nuffin but 'nole Austrican p'leceman any how."

p'leeceman, any how."
The man winced, but, without replying to George's last thrust, said, calmly—
"As I told you before, you black imp, I have no wish to frighten any one, much less Miss Beale. Eut I cannot see why she should take fright at a simple chalk-mark upon the wall of a house with which she cannot have the slightest connection. This was addressed rather to Merivale than to George, and Merivale took it upon himself to answer, showing a surprising erest in the matter as soon as there was nention of Miss Beale's name.

"George," said he, "do you go home, and excuse me to Miss Helen this morning—as I wish, with his permission, to talk with him a

The stranger bowed assent and proposed

an' be done wid him."

"Are you acquainted with Miss Beale?"
asked the artist, very sternly, as the two walked

"Except by sight—no. 1 wish 1 were." "Yet you seem to know as much of her as I do, and more; and are so ungentlemanly as to

annoy her directly in the face of right, in the first place, she complains simple an act causing her fright; and in the

next place, how you happen to be her cham-pion, when she has that fine brother, who wields such a skilful billiard-cue?" Merivale colored a little under those gray eyes, but he answered, promptly-"For the last, I deem it my duty to protect from insult and annoyance any female whatever; and, in this case, I may

intimate friend of the family."

"Ab, indeed!" interrupted the Englishman, "the old man's a singular compound, isn't he? Can you tell me if he acted in New York as he has done here?"

There was a keen satire in this, which, while it made the artist color deeply, gave him also great cause of alarm and surprise, for, be it great cause of alarm and surprise, for, be it known, in all his numerous visits to the Palazzo Cieco, he had met Mr. Beale but once, and that at dinner for not longer than five minutes. If this unscrupulous spy knew so much of their affairs, he argued, he must be watching them, and for a purpose—which purpose, he felt sure, from the character of the man, could not fail

swer that?" "Promptly. Miss Beale informed me who it

his brows as if in pain, but immediately rejoined "I guessed at some such weman's logic. It danger, she must be a conspirator. How say you? But stop, Mr. Merivale; this talk will have no results save to anger one or both of us; and, as I told you, since I cannot fight, I am ten times as dangerous. You are welco your opinions of me, so you do not bo with them. Enough; now hear me moment, as a man of the world. I am here in the church of the saint whose restival is kept is dressed up with a fair bridal wealth, festoons, and gaudy fringes, and gay-colored draperies, and fresh flowers whose fragrance contends with the odor of frankincense from the altar—on such occasions, Genoa no longer is repulsive in any one feature, but full of a quiet but lovely grace, so brimming over is it with genuine, hearty, healthy life, so creamy with rich though subdued enjoyment.

But we nothing to do. Part of that business may or may not compel me to observe more or less of casely what goes on in the Cieco palace. But I assure you, Miss Beale has no cause, not the slightest, to fear me; my designs will never affect her. She reminds me too much of—damn it, that's none of your business; enough that I would as soon harm my own mother as Helen Beale. Are you satisfied?"

"So far, yes. But whom do you watch?"

"Ha! ha! you are open in your queries.

"Ha! ha! you are open in your queries. Never mind; if my suspicious prove correct you will know, and cannot blame me for the you will know, and cannot blame me for the consequences that way ensue. But, you are going without asking my name or my references? How strangely un-American! Here I know everything about you, nearly, and about the Beales, or whatever their name is, and you have not deigned to pump me in the least par-

"'What er their name is !" cried Merival breathless, "what do you mean; do you suspect them of bearing an assumed name?"

"Why—I thought you were an old and intimate friend of the family. I know there's no rich man of New York by that name now abroad, and Beale is very rich.
"How do you know that?"

different points, and arrived separately; the wife coming via Liverpool, Paris, and Marseilles, from New York, and the husband from Halifax by way of Liverpool, Malaga, Gibraltar, and Port Mahon. What do you make of

able to conceal the evidences of perplexity and doubt which dwelt upon his features. But this time the Englishman did not sueer. He seemed to hesitate, to be embarrassed, to have some word or other trembling upon his lips which he found most difficult to utter. Merivale turned

to leave him, saying—

"I will rely upon what you have promised; or, rather, I will let the matter rest for the present upon the basis of that promise, and I will bid you a very good day, sir," with a ceremo-

nions bow.

"Oh, damn it! stop a second," cried the other, embarassment plainly written upon his face. He drew a card-case from his pocket.

"I know I'm acting the fool in this," said he, "but I never yet met the man who was all brass. Will you exchange cards with me, Mr. Merivale? I am perfectly aware of the opinion you have of me; perhaps I deserve it, and I am sure I ought to hate you for it; perhaps I do; but, will you exchange? I want your address, and I wish you to be in possession of mine, for I may be able to do you some trifling service some day, when you need it, and I feel in the humor of it."

Merivale accepted the proffered card, and tendered the man one of his own, at the same time saying, with infinite hauteur "It is extremely unlikely that I shall ever

ask any favors of you, sir."

"Well—you will not regret it, at any rate; and I am persuaded that you will demand service at my hand—or receive and be thankful for favors, some time. You probably do not wish to know me. It is very certain that you do not know me, nor know how far my power goes. I have great influence, and I may be capable of so using it as to secure your gratitude. Stop; I do not wish you to think I am trying to curry favor with you, nor do I intend to exert my influence for you; but, in certain emergencies, I may be able to use my power for her." ask any favors of you, sir.'

for her."

Merivale started. "For whom?" queried he.

"For Miss Beale, sir," said the man, gravely. "I am not entirely devoid of human feelings, and the time has been, perhaps, when I was worthy to possess the esteem of even such a being as she is. Do you understand me?"

"I think I do, sir," said the artist, showing more interest than he had heretofore done, and eyeing the other curiously; "but, if you have designs against that woman, I warn you, you had better be in your grave than let them come to my knowledge."

to my knowledge."

The man laughed a hoarse and hollow The man laughed a hoarse and hollow laugh, that was anything but a merry one. "I am too old to be affected by threats," said he, adding, earnestly, "you do not do credit to the one housest feeling I possess, Mr. Merivale—but n'importa. I should not expect it. At any rate, you have no cause for jealousy; and the day may come when both you and she will have cause to regret so much of your mistrust of me as relates to this one particular. I wish to God I had the means to convince her; but I can wait, and I will not cut my throat if it never wait, and I will not cut my throat if it never should happen. I bid you good day and farewell, Mr. Merivale."

So saying, he walked away, leaving Merivale much impressed with the sad and regretful tone which, in these few last words, seemed to

have broken through the crust of his depravity and recklessness, revealing, so to speak, one sound spot in the midst of a vile corruptness.

The artist did not visit Falazzo Cieco that

way to a long and harassing train of thought. First of the Englishman:
"Who and what is he?" thought Merivale "Who and what is he?" thought Merivale;
"here is his card: 'Major Cavendish Ernley,
late H. B. M. Fusilier Guards,' and refers to the
British Legations of Turin, Florence, and Vienna, as well as to the Austrian Consuls
throughout Italy. I suppose, some guardsman
of good family, broken for some rascality, and
vice for a support. He is a scoundrel, and a
deep one, yet I cannot question his sincerity deep one, yet I cannot question his sincerity when he spoke of Miss Beale. What an inde-"Ungentlemanly! Ha, you would like to fix a quarrel on me, perhaps; but you are mistaken in your man. Since I abjured my nationality, I have given up quarrels. So many scudi for the processes of being heart-broken; that is sure enough. And yet, this mystery that hedges them about! What does it mean? Can any start he cleanly? Do they not always arise and of. from some blot-something to be ashamed of, some stain or shame? And this Ernley. What did he mean by the insinuations he flung out? Still more, what does he mean by following all their movements? Good God! if I become irrevocably involved, and find myself tied down to some dishonorable connection, from which there is no escape, and in presence of which I could never dare to hold my head up! Yet the girl is pure; she cannot be cognizant of such, or else she is too high-spirited to have aught to do with me. Or, is it art? Heavens! if art, then no man is safe in this world. No I maintain that she at least, and Rupert also, are exactly what I know and feel them to be. But why am I thus anxious? Whence my interest in the affairs of these people? They are but casual acquaintances of mine, and, if they have any skeleton in their midst, why shall I bother myself about unshrouding it? "Tis none of my havings."

of my business.' [TO BE CONTINUED.]

Courts cannot Change the Constitution. SPEECH OF HON. J. R. DOOLITTLE.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1860.

The Senate baving under consideration the resolutions of Mr. Brown, affirming the power and duty of Congress to legislate for the protection of slavery in the Territories—
Mr. DOOLITTLE said: Mr. PRESIDENT: John Quincy Adams, during the last year of his life, in conversation, said to a friend "that the best thing ever uttered by Andrew Jackson was that for which, at the

by Andrew Jackson was that for which, at the time, he was so much abused; namely, that in swearing to support the Constitution, he swore to support it as he understood it, and not as other men understood it." I shall make no apology to-day for the Supreme Court of Wisconsin for construing the Constitution of the United States, upon their official oaths, according to their own convictions. It needs none. Besides, sir, no Senator has a right to demand one; and least of all, a Senator from Georgia. The Supreme Court of that State, as late as 1854, not six months before the decision of the Supreme Court of Wisconsin, of which her Senator [Mr. Toomss] complains, upon a long and able review of all its judicial controversies with the Supreme Court of the United States, summed up the whole, declaring their conclusion to be—

"That the Supreme Court of Georgia is co-equal and co-ordinate with the Supreme Court of the United States, and sub-equal and co-ordinate with the Supreme Court of the United States, and not inferior and sub-equal and co-ordinate with the Supreme Court of the United States, and not inferior and sub-equal and co-ordinate with the Supreme Court of the United States, and not inferior and sub-equal and co-ordinate with the Supreme Court

ordinate to that court; that as to the reserved forwards, the State court is supreme; that as to the delegated powers, the United States court is supreme; that as to powers both delegated and reserved—concurrent powers—both courts, in the language of Hamilton, are 'equality supreme;' and that, as a consequence, the Supreme Court of the United States has no justical states are at the Supreme Court of Georgian

'Supreme Court of the United States has no jurisdiction over the Supreme Court of Georgia; and cannot, therefore, give it an order, or make for it a precedent."—Padelford, Fay, & Co., ve. Mayor and Aldermen of City of Savannah; 14 Georgia Reports, page 506.

Wisconsin has never yet gone to that length. She has never yet denied the appellate jurisdiction of the Supreme Court of the United States, in cases acknowledged to arise under the Constitution of the United States. She has only asserted her right to judge for herself as to what cases are not under the Constitution of the United States, and laws passed in pursuance thereof, and as to what powers are not delegated, and therefore reserved to the States; and that, upon that question, her Supreme Court is coequal and that question, her Supreme Court is cocqual and co-ordinate with the Supreme Court of the Uni-ed States, and not inferior and subordinate to

Sir, if the court of Wisconsin has erred in as-

its acts are unauthoritative, void, and of no force; and that to this compact each State acceded as a State, and is an integral party, its co-States forming, as to itself, the other party; that the Government created by this compact was not made the exclusive or final judge of the extent of the powers delegated to itself, since that would have made its discretion, and not the Constitution, the measure of its powers; but that, as in all other cases of compact among? Pewers having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and manner of redress."

And the Democratic platform made at Cincin
Tion, "that the State of Georgia will never so far compromit her sovereignty, as an independent cut State, as to become a party to the case sought to be made before the Supreme Court of the United States, by the writ in question; and further, that the Governor and every other officer be "enjoined to disregard any and every mandate and process that has been, or shall be, served on him or them, purporting to proceed from the chief justice or any associate justice of the Supreme Court of the United States."

And in 1854 the Supreme Court of Georgia, upon a full review of her history upon this subject, announced, as its settled conclusion, that "the Supreme Court of the United States has no juris-

to carry them out in their obvious meaning and import."

Again, sir: I hold in my hand a volume which contains a decision of the Supreme Court of Pennsylvania, in 1798, in which this question was discussed and decided. The chief justice, delivering the unanimous opinion of the court, used the following language:

"The divisions of power between the National, Federal, and State Governments, (all derived from the same source, the authority of the people,) must be collected from the Constitution of the United States. Before it was adopted, the several States had absolute and unlimited sovereignty within their respective boundaries; all * United States had absolute and unlimited sovereignty within their respective boundaries; all the powers, legislative, executive, and judicial, excepting those granted to Congress under the disters," to think for herself, and be true to her sisters, to think for herself, and be true to her sisters, to think for herself, and be true to her sisters, to think for herself, and be true to her sisters, to think for herself, and be true to her sisters, to think for herself, and be true to her sisters, to think for herself, and the adopted amendments, which are for particular purposes only. The Government of the United States by the present instrument of the United States forms a part of the Government of each State; its jurisdiction extends to the providing for the common defence against the interior injuries and violence, the regulation of commore and other matters especially enumerated in the Constitution; all other powers remain in the individual States, comprehending the interior and other concerns; these combined the form one complete Government. Should there is no analogy to that in any of the form one complete Government. Should there is no analogy to that in any of the continutional, and discharged the culprit.

Take the Date of Congress and with the constitution, and united the United States, its beautiful to the United States and absolute law. Takes, and absolutely void; that so the United States and absolutely void; that so the United States and absolutely void; that so the United States, its federal court rendering such a jurisdiction for the Constitution, and within the authority of the United States, the Markey of the United States, the federal court rendering such a jurisdiction forbidden by it. The State court would therefore discharge the prisoner from confinement.

Six, the several the United States and violation for the Constitution, and united the prov collision occur, it cannot be remedied by the sole act of the Gongress, or of a State; the people must be resorted to, for enlargement or United States about the construction of them, there is no common umpire but the people, who should adjust the affair by making amendments in the constitutional way, or suffer from the defect. In such a case the Constitution of the made by the individual States as one party, and

all the States as another party. When two nations differ about the meaning of any clause, sentence, or word, in a treaty, neither has an adjust the matter by negotiation; but if it can-not be thus accomplished, each has a right to retain its own interpretation, until a reference be had to the mediation of other nations, and the judges of the Supreme Court of the United States shall control and be conclusive; neither can the Congress by a law confer that power."—
Respublica vs. Cobbett, 3 Dallas's Reports, page

I read, also, from the fourth volume of Munford's Reports "of cases argued and determined in the Supreme Court of Appeals of Virginia," from a case decided in 1814—the case of us. Martin, devisee of Fairfax: "Soon after the case of Hunter vs Fairfax's devises (reported in 1 Munf., 218-238(was decided, the appelles, Martin, obtained a writ of error from the Supreme Court of the United States, requiring the Court of Appeals of Vir

The clerk of the court obeyed the writ, and certified the record; the Supreme Court of the United States reversed the decision, and sent back the record with a mandate to the Court of Appeals of Virginia, requiring them to conform to its decision. After being fully argued, the court entered the following unanimous opinion: "The court is unanimously of opinion that the appellate power of the Supreme Court of the United States, does not extend to this court under a sound construction of the Constitution of the United States; that so much of the twen-

ty-fifth section of the act of Congress to estab-lish the judicial courts of the United States as extends the appellate jurisdiction of the Su-preme Court to this court is not in pursuance of the Constitution of the United States; that the writ of error in this case was improvidently allowed under the authority of that act; that the proceedings thereon in the Supreme Court were coram non judice in relation to this court; by this court."

And now, sir, I come to the State of Georgi that great State which, if not now, is soon to be, the Empire State of the South. One glance at its history, as given by a judge of its own Supreme Court, shows that, from 1792 to 1854, she maintained and enforced the same doctrine. In the case of Chisbolm against Georgia, in 1792, which was the first controversy between that State and the Supreme Court of the United States, she denied its jurisdiction; refused to obey its mandate to appear and answer; and wholly disregarded its judgment in the case.

The cases of Worcester and Butler, missionaries among the Cherokees, arose in 1832. They are fully reported in the Cherokees, arose in 1832.

res among the Cherokees, arose in 1832. They are fully reported in the 6th of Peters's Reports. The facts in these cases are stated by Judge Benning, in his opinion, in the 14th of Georgia Reports, to which I have already referred:

the Constitution and laws of Georgia, and uprightly demean themselves as citizens thereof. The case occurred in the Superior Court of Gwinnett county. A writ of error was issued from the Supreme Court of the United States, on the application of the defendants, to the judges of the Superior Court for the county of Gwinnett. The clerk of that court returned a transcript of the cases to the Supreme Court of the with or without law. That is the question, and transcript of the cases to the Supreme Court of the whole operation in the case.

And the Democratic platform made at Cincinnati, in its eighth resolution, declares:

"That the Democratic party will faithfully abide by and uphold the principles laid down in the Kentucky and Virginia resolutions of 1798, and in the report of Mr. Madison to the Virginia Legislature in 1799; that it adopts those principles as constituting one of the main of countations of its political creed, and is resolved to carry them out in their obvious meaning and import."

Lead in my hand a volume which import."

Lead in my hand a volume which is to carry them out in their obvious meaning and import."

Supreme Count of diction over the Supreme Count of a present of incident."

Mr. President, I do not question, I have no right to question, the good faith or the integrity of the action of the sovereignty of Georgia. I do not indules, either as a matter of taste or of inclination, in language impugning the motives of men in high office, acting upon the solemnity of their oaths. The motto of Old England, has too much truth and significance for me to do so, either in public or private life. Bedown, maindo so, either in public or private life. Besides, sir, having been reared in the republican school of Jeffersen and of Jackson, maintaining, as I now do, every principle I have been taught in that school, and which are identical with those of the Republican party of to-day, I see many things in the opinion of the Supreme Court of Georgia to command my

orable Senator from Georgia, in one single word, depends entirely on the question whether the law of Congress be or be not constitutional.

"Mr. Toomes. Certainly.

"Mr. Doolittle. If the law is unconstitution-

al, the whole proceeding in your District Court "Mr. Toomss. Yes. your law is constitutional, then the proceduring of the bourt of Wisconsin was wrong.

ator then said:
"Whether or not the law was constitutional, the proceedings of the State court of Wisconsin I hold to be wrong. That did not depend on

the question of whether the fugitive slave law was constitutional or not; but, in any event, the District Court of the United States for Wisconsin having had jurisdiction, there was no person from prison under a habsas corpus, and reverse the proceedings of a court having competent jurisdiction; and so much of the report as makes me admit that, in any event, whether the fugitive slave law is constitutional or not, the proceedings of the court of Wiscousin were right, is erroneous. cussion of this question now, as I purpose to discuss that point on the future occasion to which I have moved that this matter be postponed. I simply desire to say, however, that, if the Senator from Georgia admits that the

law of Congress is unconstitutional, the District Court has no jurisdiction under it; and the proposition which the gentleman submits, and the distinction which he makes, that a law can the distinction which he makes, that a law can be unconstitutional and a nullity itself, and yet the court have jurisdiction under an unconstitutional law, is, in my judgment, preposterous.

"Mr. Toomss. I merely wished to state my position, not to argue it. I am prepared to meet the argument at any proper time."

Mr. President, the issue is now clearly made up on both sides, and fairly understood. It is a question of constitutional law, addressed to

up on both sides, and fairly understood. It is a question of constitutional law, addressed to the judgment, to the calm reason; and in discussing which, passion and declamation are of no avail. It is a question altogether of more cosequence than the slavery question itself; and, therefore, we can enter upon its discussion entirely free from all the excitements which surround that. The question between the Senator and myself is this: in the first place, whether any jurisdiction or authority can be conferred any jurisdiction or authority can be conferred upon a District Court of the United States by an unconstitutional law. I thank the gentleman for thus restating the issue; for, in my judgment, he thus restating the Issue; for, in my judgment, he concedes away the very ground upon which the Supreme Court of the United States placed their decision in 21 Howard. Upon the assumption taken by that court, that the fugitive slave law is constitutional, the conclusion follows inevitably, that a person arrested under it, in pursuance of its provisions, would be imprisoned under the authority of the United States; and a State court, on habeas corpus, must of necessity remand the prisoner into custody, because he is in legal imprisonment; but upon the other assumption, that the law is not constitutional, if a person is arrested under it and imprisoned, it would be without any authority from the United States, and therefore a State court, upon habeas corpus, must of necessity discharge the prisoner; would be the state court, upon have a state court, upon have a state court, upon have a state, and therefore a state court, upon have a state, and therefore a state court, upon have a state, and therefore a state court, upon have a corpus, must of necessity discharge the prisoner; for he is not held by any legal power whatever. I ask, sir, what is the issue upon the hearing of a having taken an oath to support and defend the having taken an oath to support and defend it is neither to affirm nor reverse the judgment and laws of Georgia, and up-

'into execution.' The judgment was the same When you speak of an act of Congress, which is to commence a suit for damages. He is-

her Senator contends that Congress can give to the United States District Courts competent jurisdiction over suits between the citizens of can be imprisoned at the simple will of the risdi tion over suits between the Georgia, and over a subject-matter which the Constitution of the United States itself forbids: it might be actions for assault and battery by slaves against their masters. That is a higher-law doctrine for you, with a vengeance! The United States courts, then, are above the Constitution, and not under it. Let us test this doctrine by a practical case. Suppose the Congress of the United States, under the general-welfare

would set out in substance that he was restrained of his liberty without any legal authority. The marshal would answer, by his return, that he pretends to hold him by an execution upon a judgment of the Supreme Court of the United States; and the reply, the unanswerable reply, would be, on the part of the petitioner, the Constitution forbids any such judgment, because it is, that this single judge, by his own mere will, and that the State courts of Wisconsin have no power to interfere: where are we? His doctrine would go to the length of allowing that single judge—I do not desire to speak with any disrepeat towards the individual who holds the office; but I am speaking of the doctrine which the Senator from Georgia contends for; and that the State courts of Wisconsin have no power to interfere: where are we? His doctrine would go to the length of allowing that office; but I am speaking of the doctrine which the Senator from Georgia contends for; and that the State courts of Wisconsin have no power to interfere: where are we? His doctrine would go to the length of allowing that office; but I am speaking of the doctrine which the Senator from Georgia contends for; and that the State courts of Wisconsin have no power to interfere: where are we? His doctrine would go to the length of allowing that single judge—I do not desire to speak with any disrespect towards the individual who holds the office; but I am speaking of the doctrine which are the first that the State courts of Wisconsin have no power to interfere: where are we? His doctrine would go to the length of allowing that the State courts of which are the first that the State courts of which are the first that the State courts of which are the first that the State courts of which are the first that the State courts of which are the first that the State courts of which are the first that the State courts of which are the first that the State courts of which are the first that the state courts of the first that the state courts of which are the first that the I say therefore, Mr. President, that the Representatives of those original States who have taught Wisconsin, one of the "youngest of the sisters," to think for herself, and be true to her convictions, should be among the last to censure or condemn her.

But I come now at once to the consideration

quence of false imprisonment, and the defend-ant should plead his pretended judgment and execution, and the plaintiff should at once reply that the Constitution of the United States forbids that Congress should confer any such jurisdiction upon the Federal court, what would be the duty of the judges of the State court? Of necestate that they are to stand as valid until reversed—

tiot, if I could. They must take the jurisdiction belonging to the State court, and declare

the fugitive slave law was constitutional or not," | tracts. the District Court had "competent jurisdiction."
That is begging the question. The court cannot take competent jurisdiction of a subject-matter which the Constitution forbids; it is impossible; for if it have not jurisdiction of the subject-matter, the action of the court is of no more validity than the action of a private citizen; it is not judicial action; it is extra-judicial—the action of an individual without any authority; for a statute against the Constitution with the Republican party. The chief justice, however, (Whiton.) was a member of the Whig confers no more than if Congress had never gone through the forms of enacting it. It is reasoning in a circle, begging the whole question. It is precisely like saying that the earth stands on the

York, when Mr. Marcy was a justice of the Supreme Court of that State, in a suit brought upon a judgment which purported to have been rendered in the State of Messachusetts. On the face of the record, it appeared that the court had jurisdiction of the

the court? Solely to show that its proceedings and judgments are void, and therefore the supposed record is not in truth a record. If the defendant had not proper notice of, and did in the the paper introduced, as to him, is no record; but if he cannot show, even against the pretended record, that fact, on the alleged the duties of the office of judge, either of the Circuit or Supreme Courts, and sometimes of both. He was a wise and able judge; and a more pure, upright, or honest man never sat upon a beach in any court, nor ever wore the judicial ermine. Not a year has elapsed since he died, hardly past his meridian, full of honors, beloved by all. The State mourned his loss as it has mourned for no other pretended record, that fact, on the alleged it to be a proper issue) is the validity of the record; and yet it is contended that he is estopped, by the unimpeachable credit of that very record, from disproving any one allegation con-tained in it. Unless a court has jurisdiction, it tained in it. Unless a court has jurisdiction, it can never make a record which imports uncontrollable verity to the parly over whom it has usurped jurisdiction, and he ought not therefore to be estopped by any allegation in that record from proving any fact that goes to establish the truth of a plea, alleging want of jurisdiction."—
Starbuch vs. Murray, 5 Wen., 158.

tenced to hard labor in the penitentiary of Georgia, ought to be reversed and annulled; and limited jurisdiction. They have just such and further adjudged that said judgment be, power as the law gives them, and no more. Their rillo's pictures. For Italians—very industrious—at all times the tanks were crowded by
washerwomen; so that Miss Beale could only
wonder how they managed never to be clean,

RATES OF ADVERTISIN

Ten cents a line for the first insertion, A cents a line for each subsequent one. Te, words constitute a line. Payment in advance is invariably required.

Money may be forwarded by mail at my risk. Notes on Eastern banks preferred. Large amounts may be remitted in drafts or certaficates of deposit.

Subscribers wishing their papers changed, will give the name of the post office changed from, as well as the post office they wish it hereafter sent to.

All communications to the Era, whether on business of the paper or for publication, should be addressed to M. L. BAILEY, Washington, D. C.

in the Democratic creed; the Supreme Court of Pannylyacain, by its unanimous opinion in 1798; and the Supreme Court of Appeals of the State of Wirglinis, as altae as 1814, after a long hearing and full consideration, by a unanimous opinion, the trated the mandate and the views were at hand, and the case of Wirglinis, as altae as 1814, after a long hearing and full consideration, by a unanimous opinion, the trated the mandate and the views was not superior and appellate to the Supreme Court of the Justed States was not superior and appellate to the Supreme Court of Virginis, have tanget to Wisconsea the same lesson. And what should close the mouth of any Senator from Georgia is, that the wine indicates the superior of the Government, who is united to the supreme Court of the State, from the beginning of the Government down to 1834, has, upon this subject, tanget no other lesson.

The resolution of 1788, darked, as it is believed, by Jefferson himself, declare:

"That the several States composing the United States of Marsica are not united on the principle of utilimited submission to the General Covernment; but that, by a compact, they constitute of every enactment the breath of the constitution for the Justed States of America are not united on the strate of covernment; but that, by a compact, they constitute of every enactment the breath of they can be additioned by the case of Graves, and those cases of the sund that they are did the case of Graves—one in 1834. The Supreme Court of the United States of America are not united on the sund the case of Graves—one in 1834. The Supreme Court of the United States of America are not united on the sund the case of Graves—one in 1834. The Supreme Court of the United States of America are not united on the sund the case of Graves—one one of the case of Graves—one of

operate upon us. We have nearly eight hundred thousand people, and we have no Circuit Court of the United States. Practically, we have no sppeal whatever from the District Court in any criminal case. Under the law as it stands, juof the United States, under the general-weifare doctrine, should enact a law conferring general original jurisdiction upon the Supreme Court of the United States, of all suits at law or in equity, and between citizens of the same State; and that in Georgia, or in Wisconsin, one citizen should commence a suit in the Supreme Court of the United States against another for an action of slander, and the case should be brought on to trial, and a judgment should be recovered, and a citizen arrested and put in prison—what would be the duty of the State courts? If application were made for a habeas corpus, the petitioner would set out in substance that he was restrained of his liberty without any legal authority. The marshal would answer, by his return, that he pretends to hold him by an execution npon as single judge—I do not desire to speak with any prison, or reach him even at the foot of the gal-

claimed a hundred times over, that where a court proceeds without jurisdiction of the subsity, there would be a responsibility from which their oaths of office would not allow them to more effect than if a private individual should with addiction if they would; and i, for one, would be render a judgment in either a civil or

I come now, Mr. President, to the second brench of this legal or constitutional issue be-tween the Senator and myself, as to whether the fugitive slave law is or is not constitutional. I of the bourt of Wisconsin was wrong.

"Mr. Toomss. I have nothing to say of that that such an imprisonment, under such a judgment, based upon a law conceded to be in violation of the Constitution of the United States, is believe, so understood generally on this side of the Chamber. The next morning, however, the Senstor from Georgia corrected the record, and Senstor from Georgia corrected the record, and sha issue was restated in these words. The Senstor from Georgia corrected the record, and the same was restated in these words. The Senstor from Georgia corrected the record, and the same was restated in these words. The Senstor from Georgia corrected the record, and the same was restated in these words. The Senstor from Georgia corrected the record, and the same was restated in these words. The Senstor from Georgia corrected the record, and the same was restated in these words. The Senstor from Georgia corrected the record, and the same was restated in these words. The Senstor from Georgia corrected the record, and the same was restated in these words. The Senstor from Georgia corrected the record, and the same was restated in these words. The Senstor from Georgia corrected the record, and the same was restated in these words. The Senstor from Georgia corrected the record, and the same was restated in these words. The Senstor from Georgia corrected the record, and the same was restated in these words. The Senstor from Georgia corrected the record, and the same was restated in these words. The Senstor from Georgia corrected the record, and the same was restated in these words. The Senstor from Georgia corrected the record, and the same was restated in these words. The Senstor from Georgia corrected the record, and the same was restated in these words. The Senstor from Georgia corrected the record, and the same was restated in the same was court, and, therefore, no authority for the im-prisonment of the defendant.

The Senator from Georgia says that, "whether tent myself with reading from them some extracts. Before doing it, however, it is due to candor and the truth of history for me to say

> in a circle, begging the whole question. It is precisely like saying that the earth stands on the back of an elephant, and that on a turtle, and that on nothing at all.
>
> Mr. President, a case arose in the State of New legal practice, when I first went to the State of Wisconsin was before him as judge of the first Wisconsin, was before him as judge of the first judicial circuit; and when he was elevated to it appeared that the court had jurisdiction of the person as well as of the subject-matter. The defendant pleaded that the court, in fact, never had any jurisdiction over him, for he was not served with process, and did not appear. It was objected that the record imports absolute veries. objected that the record imports absolute verity, and cannot be contradicted. What did Mr. for he was an old resident of that State. He Marcy say to such an argument? Marcy say to such an argument?
>
> "It appears to me, that this proposition assumes the very fact to be established, which is the only question in issue. For what purpose does the defendant question the jurisdiction of

man, and as States seldom mourn at the bithe departed dead.

I have felt at liberty thus to speak of the charground of the uncontrollable verity of the record; he is deprived of his defence by a process of reasoning that is to my mind little less than sophistry. The plaintiffs in effect declare than sophistry. The plaintiffs in effect declare to the defendant; the paper declared on is a record, because it says you appeared, and you appeared because the paper is a record. This is reasoning in a circle. The appearance makes the record uncontrollable verity, and the record makes the appearance an unimpeachable fact. The fact which the defendant puts in issue (and the whole current of State authority shows opinions of Judge Smith in the several cases of opinions of Judge Smith in the several cases of the control opinions of Judge Smith in the control opinions of Judge Smith in the case opinions opinions of Judge Smith in the case opinions opinions opinions third volume of Wisconsin Reports, and he will find that they need no eulogy or endorsement. They speak for themselves. They bear the im-press of a master mind, and would have been no discredit to Chief Justice Marshall or to Lord

ions, I will briefly state the facts of the case, and the points taken and decided by the several The case occurred in the Superior Court of Gwinnett county. A writ of error was issued from the Superior Court for the United States, or Gwinnett. The clerk of that court returned a transcript of the cases to the Superior Court for the county of the United States. But the judge of the Court had nothing to do with this act of the court had nothing to do with this act of the Court had nothing to do with this act of the Court for the C judges. This case came before the Supreme Court of Wisconsin in three different ways. Mis-fortunes, it is said, seldom come singly; and it so